

REMARKS

Reconsideration of this application, as amended, is respectfully requested.

This application has been reviewed in light of the Office Action dated April 19, 2004. Claims 2-6 are currently pending. As indicated above, Claim 2 has been amended.

In the Office Action, Claims 2-6 were rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over U.S. Patent No. 6,466,563 ("*Yamada*") in view of Admitted Prior Art. More specifically, independent Claims 2 and 5 have been rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over *Yamada* in view of the Admitted Prior Art.

Regarding Claim 2, the Examiner asserts that *Yamada* teaches all the recitations of Claim 2 except for a method for transmitting control information in a mobile station of a mobile communication system which transmits control information filled in a frame on a dedicated control channel, the frame being divided into a plurality of slots, which the Examiner asserts is disclosed in the Admitted Prior Art (FIGs. 1-5, and page 1, line 20 to page 10, line 5). Regarding Claim 5, the Examiner makes similar arguments as the rejection of Claim 2, including that *Yamada* teaches a switch (element 309 in FIG. 3) for gating a signal on the dedicated control channel. However, it is respectfully submitted that neither this section of *Yamada* nor any other section teaches gating a signal on the dedicated control channel, as is recited by the Examiner. More specifically, *Yamada* is directed to a feature for existence/non-existence of data, which is not directed to the transmission of dedicated physical control data. That is, *Yamada* does not differentiate between user data (DPDCH data) and dedicated physical control data (DPCCH data).

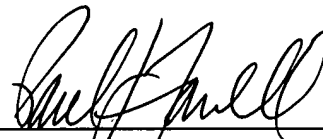
Claims 2 and 5 recite a feature of gating control data information transmitted via a dedicated physical control channel (DPCCH) in a system where channels are divided into a dedicated physical control channel and a dedicated physical data channel (DPDCH). As indicted above, it is respectfully submitted that *Yamada* does not teach this recitation. Further, it is

respectfully submitted that this deficiency is not cured by any of the Examiner's alleged Admitted Prior Art, which describes that dedicated physical data channels (DPCCHs) exist, but does not teach gating as recited in Claims 2 and 5. Additionally, as indicated above, Claim 2 has been amended to further differentiate the gating step of the present invention from the Examiner's cited art. Therefore, it is respectfully submitted that the Examiner is incorrect in rejecting Claims 2 and 5, and it is respectfully requested that the rejection of Claims 2 and 5 be withdrawn.

As independent Claims 2 and 5 are now believed to be in condition for allowance, it is respectfully submitted that dependent Claims 3-4 and 6 are also in condition for allowance as being dependent upon independent Claims 2 and 5, respectively.

In view of the preceding remarks, it is respectfully submitted that all pending claims, namely Claims 2-6, are in condition for allowance. Should the Examiner believe that a telephone conference or personal interview would facilitate resolution of any remaining matters, the Examiner may contact Applicants' attorney at the number given below.

Respectfully submitted,



Paul J. Farrell
Reg. No. 33,494
Attorney for Applicant(s)

DILWORTH & BARRESE, LLP
333 Earle Ovington Blvd.
Uniondale, New York 11553
Tel: (516) 228-8484
Fax: (516) 228-8516

PJF/DMO/lah